

REMARKS

Reconsideration of the present application is respectfully requested.

The notice of allowability of claims 7 and 8 if rewritten to include the base claim and any intervening claims is acknowledged with appreciation.

The rejection of claims 1-8 under 35 USC 103(a) as being obvious over Shimote et al. in view of Sliger is respectfully traversed.

The Office Action is correct in stating that Shimote et al. do not teach the sectors being categorized into zones, sorting defective sectors by zones, and selecting a reference sector from the cluster. The Office Action's reliance on Sliger for allegedly teaching those features implies that Shimote et al. also do not suggest those features.

Sliger discloses as background that certain data structures are stored in sectors near the beginning of a floppy diskette for providing information regarding the diskette and the data stored thereon. Such information appears to be the BIOS Parameter Block (BPB) that contains information that describes the characteristics of the drive, including, for example, the number of bytes per sector and the number of sectors per cluster and the number of sectors per track.

The Office Action states:

Sliger teaches selecting a single entry in the BPB which to store information about each cluster. This is functionally equivalent to selecting a reference cluster, it [sic] a single location/reference which to store parameters about the entire cluster.

Col. 5, lines 14-17, of Shimote et al. discloses the "BPB contains information that describes the characteristics of the drive, including, for example, ... the number of sectors per cluster...". This simply discloses that the BPB contains information about how many sectors are in *each* cluster. This is uniform for all the clusters. Therefore, the BPB does not have entries for each particular cluster. In light of this, this is not "functionally equivalent" to selecting a reference sector as featured in claim 1. Even assuming the Office Action is correct, such teaching of Sliger is not the same as the claim 1 feature of defining parameters with reference to the reference sector.

Second, simply because something may be considered "functionally equivalent" does not necessarily mean that replacing a claim feature with the "functional equivalent" is obvious. There must be some teaching, suggest or motivation to modify Shimote et al.

This leads to the Office Action's statement that the motivation in Sliger is to describe the physical and logical geometry of the disk. This assertion is incorrect. The invention disclosed in Shimote et al. is not a peripheral, but is instead a defect inspecting apparatus. See the Abstract of Shimote et al. It makes absolutely no sense to have cluster information saved in the Shimote et al. apparatus.

As explained above, there is no motivation to modify Shimote et al. with Sliger. And, even if there was such a motivation, the modified Shimote et al. apparatus would still be missing a feature of claim 1. Therefore, claim 1 is not obvious and is allowable. Claims 2-6 are also allowable due to their dependence on allowable claim 1.

The remarks above show that claims 1-8 are allowable over the applied references. Accordingly, the examiner is respectfully requested to remove the rejections, allow the claims 1-8 and new claims 9-13, and pass this case to issuance.

Respectfully submitted,

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(Assignee of Entire Interest)

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